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7
8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. OT 2008-425

11 **MARY THERESA SEARCY**
12 **6083 South Lamar Drive**
13 **Littleton, Colorado 80123**
Occupational Therapist License No. OT 6209

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Heather Martin (Complainant) brings this Accusation solely in her official capacity as
19 the Executive Officer of the California Board of Occupational Therapy, Department of Consumer
20 Affairs.

21 2. On or about February 4, 2003, the California Board of Occupational Therapy,
22 Department of Consumer Affairs, issued Occupational Therapy license number OT 6209 to Mary
23 Theresa Searcy (Respondent). The license expired on June 30, 2005, and was not renewed until
24 June 22, 2009. The license will expire on June 30, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the California Board of Occupational Therapy
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

4. Section **2570.26** of the Code provides, in pertinent part:

(a) The board may, after a hearing, deny, suspend, revoke, or place on probation a license, certificate, inactive license, inactive certificate, or limited permit.

(b) As used in this chapter, "license" includes a license, certificate, limited permit, or any other authorization to engage in practice regulated by this chapter.

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5. Section **2570.30** of the Code provides:

The board shall retain jurisdiction to proceed with any investigation, action or disciplinary proceeding against a license, or to render a decision suspending or revoking a license, regardless of the expiration, lapse, or suspension of the license by operation of law, by order or decision of the board or a court of law, or by the voluntary surrender of a license by the licensee.

STATUTORY PROVISIONS

6. Section **2570.3** of the Code provides, in pertinent part:

(a) No person shall practice occupational therapy or hold himself or herself out as an occupational therapist or as being able to practice occupational therapy, or to render occupational therapy services in this state unless he or she is licensed as an occupational therapist under the provisions of this chapter. . . .

• •

7. Section **2570.18** provides, in pertinent part:

(a) On and after January 1, 2003, a person shall not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice occupational therapy in this state, unless authorized to practice occupational therapy under this chapter.

(b) Unless licensed to practice as an occupational therapist under this chapter, a person may not use the professional abbreviations "O.T.," "O.T.R.," or "O.T.R./L.," or "Occupational Therapist," or "Occupational Therapist Registered," or any other words, letters, or symbols with the intent to represent that the person practices or is authorized to practice occupational therapy.

• •

1 (d) The unauthorized practice or representation as an occupational therapist or as an
2 occupational therapy assistant constitutes an unfair business practice under Section 17200 and
3 false and misleading advertising under Section 17500.

4 8. Section 2570.28 of the Code provides, in pertinent part, that the Board may deny or
5 discipline a license for any of the following:

6 (a) Unprofessional conduct, including, but not limited to, the following:

7 ...

8 (4) The use of advertising relating to occupational therapy which violates Section 17500.

9 ...

10 (c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violation of, or conspiring to violate, any provision or term of this chapter or any regulation
12 adopted pursuant to this chapter.

13 ...

14 (g) Impersonating a licensed practitioner, or permitting or allowing another unlicensed
15 person to use a license.

16 ...

17 COSTS

18 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 CAUSE FOR DISCIPLINE

23 (Unlicensed Practice)

24 10. Respondent is subject to disciplinary action under sections 2570.3, 2570.18 and
25 2578.28 of the Code in that she impersonated a licensed practitioner of occupational therapy,
26 practiced as an occupational therapist, held herself out to the public to be licensed to practice and
27 used false and misleading advertising regarding her ability to lawfully practice, when her license
28 was expired. The circumstances are as follows:

11. From on or about July 1, 2005, until June 21, 2009, in San Rafael, California, Respondent practiced as an occupational therapist, and represented herself to be so licensed, when she was not licensed to do so. Respondent's license had expired on June 30, 2005.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

1. Revoking or suspending Occupational Therapist License Number OT 6209, issued to Mary Theresa Searcy;

2. Ordering Mary Theresa Searcy to pay the California Board of Occupational Therapy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATE

January 20, 2010

HEATHER MARTIN
Executive Officer
California Board of Occupational Therapy
Department of Consumer Affairs
State of California
Complainant